

REMARKS

The Office Action mailed September 27, 2001, has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested. Claims 1-5 have been canceled without prejudice. Claims 6 and 7 have been rewritten as new claims 8-17. The new claims are fully supported by the specification and claims as originally filed. No new matter has been added.

Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-7 are rejected as indefinite. Applicants submit that new claims 8-17 satisfy the requirements of 35 U.S.C. §112, second paragraph.

Rejections Under 35 U.S.C. §102(a)

Claims 1-7 are rejected as anticipated by Aoyagi et al. (Journal of Clinical Microbiology 37(6):1802-1808 June 1999), and as anticipated by WO 99/06836. A verified translation of the priority document is being prepared and will be filed.

Rejections under 35 U.S.C. §102(b)

Claims 1 and 4 are rejected as anticipated by Takahashi et al. Claims 1, 4 and 5 are rejected as anticipated by Kashiwakuma et al. Claims 1-4 are rejected as anticipated by Masalova et al. Claims 1-5 have been canceled. Therefore the rejections are moot. Applicants do not concede the correctness of the rejections.

Double Patenting Rejection

Claims 1-5 are rejected as being unpatentable over claims 22-29 of copending application 09/269,897. Claims 1-5 have been canceled. Therefore the rejection is moot. Applicants do not concede the correctness of the rejection.

It is respectfully submitted that each of the presently pending claims (claims 8-17) are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,
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Date: _____

April 23 2002

A handwritten signature in dark ink, appearing to read "D. P. Mueller", written over a horizontal line.

Name: Douglas P. Mueller
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DPM/NJP